

fw

providing security between the host machine means, with at least one secured host machine means residing on the secured side of the firewall; means for databasing customer accounts located on the secured host machine means and accessible by a secured means for communicating through the firewall.

Attached hereto is a marked-up version of the changes made to the specification by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

R E M A R K S

Claims 1-3, 6, 7, and 11 were present in the application prior to this amendment. Claim 11 has been amended herein. No claims have been cancelled. Reexamination and reconsideration of the rejections pertaining to all pending claims are requested.

I. Rejection of claim 11 under 35 U.S.C. §112, second paragraph

Claim 11 was rejected because of antecedent basis of the term, "the host machine" and because of uncertainty in the firewall means. Claim 11, as amended herein, overcomes the concerns of the Examiner. Additionally, this feature is shown in the drawing of Fig. 2.

Accordingly, the rejection of claim 11 under 35 U.S.C. §112, second paragraph has been overcome and the Applicant respectfully requests reconsideration of the Examiner's rejection.

II. Rejection of claims 1-3, 6, 7, and 11 under 35 U.S.C. §103(a)

Claims 1-3, 6, 7, and 11 have been rejected under 35 U.S.C. §103(a) as being unpatentable over the disclosed prior art in view of Joffe et al. (U.S. 6,185,619) and Kawaguchi (U.S. 5,832,527).

Applicant's Invention of Claim 1

Claim 1 is independent and is directed toward:

A system for facilitating the transfer of data to authorized users over the Internet, the system comprising:

a plurality of host machines for running a plurality of processes, the plurality of host machines residing on an unsecured side of a firewall, the firewall having a secured side and the unsecured side;

at least one secure communication link between the plurality of host machines;

a filing storage system accessible by at least one of the plurality of host machines, **the filing storage system having a storeroom area and a customer account area, wherein the filing storage system supports hard file links between the storeroom area and the customer account area, the hard file links comprising pointers to files;**

at least one secured host machine residing on the secured side of the firewall; and

a customer account database located on the secured host machine and accessible by at least one of the plurality of host machines across a second secure communication link through the firewall.

The Examiner rejected claim 1 under 35 U.S.C. §103(a) by combining several different elements from several different disclosures. The Applicant respectfully disagrees with the combinations suggested by the Examiner on several grounds. More specifically, the Examiner has stated that ten elements of claim 1 are individually obvious in light of three references cited by the Examiner. The primary ground for the Applicant's rebuttal is that there is no motivation to combine all the elements of the different disclosures suggested by the Examiner. 

The MPEP §2143 cites In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991), which states:

YES

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure.

To solve the problems of latency and bandwidth constraints

Therefore, the prior art must teach or suggest the claimed combination. This concept is reiterated in the MPEP 2143.01, which cites In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) and states:

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.

Therefore, the prior art must suggest the desirability of the combination, which the Applicant has not found in the prior art.

This section of the MPEP also addresses the "well within the ordinary skill in the art by stating:

A statement that modifications of the prior art to meet the claimed invention would have been "well within the ordinary skill of the art at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references.

The Applicant respectfully contends that the Examiner has not provided some objective reason to combine the teachings of the references. The Office Action describes ten elements of claim 1 that were allegedly individually found in the prior art. However, the Office Action provides no objective reason to combine the elements. The Applicant respectfully requests that the Examiner provide the objective reason for the combination should this rejection be maintained.

Having set forth the legal basis for the Applicant's contention that the

references were improperly combined, the Applicant now discusses all the rejections set forth in the Office Action. It should be noted that the Applicant additionally contends that the cited references do not disclose all of the elements of claim 1.

the
Cogger et al. was relied upon to disclose a host machine for running a plurality of processes, wherein the host machine resides on an unsecured side of a firewall. Cogger et al. was further relied upon to disclose a filing storage system accessible by the host machine having a storeroom area and a customer account.

The Examiner relied on Joffe to disclose the use of a plurality of servers running a plurality of processes. Based on Joffe, the Examiner contended that "it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a plurality of host machines for running a plurality of processes." The reasoning for the use of Joffe is apparently to solve "the problems of latency and bandwidth constraint." However, the focus of the application at hand is secured data transfers, not latency and bandwidth constraints.

obvious motivation
With regard to the secure link element of claim 1, the Examiner has stated that "it is well-known and fundamental practice in the art to employ secure communication links (e.g. cryptography) to protect against unauthorized access, operation or use of any web site, server or network system." The Examiner concluded that "it would have been common sense to use secure communication links to any web site, server network including the host machines as claimed as desired." As described in greater detail below, there has been no motivation provided to combine the secure communication with the other elements of claim 1. As set forth above, without the motivation to combine, the rejection is not proper.

With regard to the filing storage system supporting hard file links between the storeroom area and the customer account area, the Examiner relied on Kawaguchi. More particularly, the Examiner stated that "Kawaguchi teaches the use of a hard link having a pointer to provide a file management system that improves disk space efficiency, simplifies file management, and incorporates data to access stored objects." The Examiner concluded that "it would have been within a level of ordinary skill in the art to modify the disclosed prior art by adopting the teaching of Kawaguchi to provide a filing storage system that improves disk space efficiency, simplifies file management, and incorporates data to access stored objects."

challenge reason is acceptable

difficult person to OK

The Applicant notes that Kawaguchi is in no way related to facilitating the transfer of data over the Internet as claimed in claim 1. Kawaguchi is solely related to file management systems and, more specifically, to file management systems of discs.

*fundamental
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to increase
size of the
memory*

The Applicant is not aware of how improving disk space efficiency, simplifying file management, and incorporating data to access stored objects relates to a system for facilitating the transfer of data to authorized users over the Internet. Thus, there is no motivation to combine Kawaguchi with other art to render claim 1 obvious. Should the Examiner maintain this rejection, the Applicant respectfully requests that the Examiner provide the motivation to combine Kawaguchi with the other cited references to render claim 1 obvious. *A 1 don't need of E-mail Kawaguchi says so*

With regard to the host machine, the Examiner has stated that "it would have been within the level of ordinary skill in the art at the time the invention was made to employ a separate host machine for a customer account database since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art." The Examiner, however, has not described the host machine as configured in claim 1 as an integral structure. Accordingly, the Examiner cannot reject claim 1 on this ground because an integral structure disclosing the elements of claim 1 has not been produced.

With regard to the customer account database being located on the secured host machine, the Examiner again stated that "it would have been obvious to one having ordinary skill in the art at the time the invention was made to locate the host machine having the customer account database at any desirable location to enhance the security of the customer account database." The Examiner further stated that "it has been held that rearranging parts of an invention involves only routine skill in the art." Thus, if claim 1 is simply a rearrangement of parts, the Applicant respectfully requests that the Examiner provide the prior art from which claim 1 was rearranged.

In addition to the rebuttals made above, the Applicant notes that the references cited by the Examiner do not disclose all the elements of claim 1. For example, none of the references disclose:

the filing storage system having a storeroom area and a customer account area, wherein the filing storage system supports hard file links between the storeroom area and the customer account area, the hard file links comprising pointers to files.

Likewise, none of the references cited by the Examiner disclose:

a customer account database located on the secured host machine and accessible by at least one of the plurality of host machines across a second secure communication link through the firewall.

Thus, the teaching or suggestion suggested by the Examiner to make the claimed combination and the reasonable expectation of success are not found in the prior art. Accordingly, the rejection is not proper per the MPEP.

For the reasons stated above, the Applicant contends that the Examiner's rejection of claim 1 under 35 U.S.C. §103(a) has been overcome. The Applicant respectfully requests reconsideration and reexamination of the Examiner's rejection.

Applicant's Invention of Claims 2, 3, and 6

Claims 2, 3, and 6 are ultimately dependent on claim 1 and are directed to various protocols used by the elements of claim 1. The claims were rejected because the Examiner stated that the use of different protocols is obvious. No references were cited in the rejections.

Claims 2, 3, and 6 are believed allowable by way of their dependence on claim 1. Should the Examiner maintain these rejections, the Applicants respectfully request that the Examiner provide a reference that discloses the claimed protocols in conjunction with the limitations of claim 1.

For the reasons stated above, the Applicant contends that the Examiner's rejections of claims 2, 3, and 6 under 35 U.S.C. §103(a) have been overcome. The Applicant respectfully requests reconsideration and reexamination of the Examiner's rejections.

Applicant's Invention of Claim 7

Claim 7 is dependent on claim 1 and is directed toward:

The system of Claim 1, wherein at least one of the plurality of host machines runs a web server process and at least one separate one of the plurality of host machines runs an ftp server process, whereby a customer web browser contacts the host machines.

Claim 7 was rejected on the same grounds as the rejection of claim 1.

Therefore, the Applicant incorporates the rebuttals to the rejection of claim 1 into this rebuttal.

 As with claim 1, the Examiner has not provided any references that disclose the elements of claim 7 with the limitations of claim 1. Should the Examiner maintain this rejection, the Applicant respectfully request that the Examiner provide references per the MPEP.

For the reasons stated above, the Applicant contends that the Examiner's rejection of claim 7 under 35 U.S.C. §103(a) has been overcome. The Applicant respectfully requests reconsideration and reexamination of the Examiner's rejection.

Applicant's Invention of Claim 11

Claim 11 is independent and is directed toward:

A system for facilitating the transfer of data to authorized users over the Internet, the system comprising:

a plurality of host machine means for running a plurality of processes;

at least one secure means for communicating between the host machines;

file storage means having a storeroom area and a customer account area with a means for securely hard linking between the

areas, the hard linking comprising pointers to files;

firewall means comprising a secured side and an unsecured side for providing security between machines, with at least one secured host machine means residing on the secured side of the firewall;

means for databasing customer accounts located on the secured host machine means and accessible by a secured means for communicating through the firewall.

Claim 11 was rejected for the same grounds as claim 1. Therefore, the Applicant incorporates the rebuttals to the rejection of claim 1 into this rebuttal.

As stated above, the references cited by the Examiner do not disclose all the elements of claim 11. Furthermore, the references cited by the Examiner do not suggest the combination offered by the Examiner to render claim 11 obvious.

For the reasons stated above, the Applicant contends that the Examiner's rejection of claim 7 under 35 U.S.C. §103(a) is not proper. The Applicant requests reconsideration and reexamination of the Examiner's rejection.

The Applicant believes that all the claims now pending in this patent application as described above are now allowable and that all other issues raised by the Examiner have been rectified. Therefore, the Applicant respectfully request the Examiner to reconsider his rejections and to grant an early allowance.

Respectfully submitted,

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Version with markings to show changes made

11. (once amended) A system for facilitating the transfer of data to authorized users over the Internet, the system comprising:

a plurality of host machine means for running a plurality of processes;

at least one secure means for communicating between the host [machines] machine means;

file storage means having a storeroom area and a customer account area with a means for securely hard linking between the areas, the hard linking comprising pointers to files;

firewall means comprising a secured side and an unsecured side for providing security between the host machine means [machines], with at least one secured host machine means residing on the secured side of the firewall;

means for databasing customer accounts located on the secured host machine means and accessible by a secured means for communicating through the firewall.